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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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NIKOLAI & MERSEREAU, P.A.
900 SECOND AVENUE SOUTH
SUITE 820
MINNEAPOLIS, MN 55402

EXAMINER	
DEBROW, JAMES J	

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/624,207	WRENHOLT ET AL.	
	Examiner	Art Unit	
	James J. Debrow	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 7/3/2006.

2. Claims 1-12 are pending in this case. Claims 1, 11, and 12 are independent claims.

Applicant's Response

3. Applicant's response dated 7/3/2006, Applicant added Independent Claims 11 and 12, and argued against all objections and rejection previously set forth in previous Office Action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popa et al. (U.S. Patent No. 5,991,783; Date of Patent: Nov 23, 1999), in view of Nagaska (Patent. No.: US 6,505,252 B1; Filing Date: Dec. 14, 1998).

With respect to independent claim 1, Popa et al. discloses a computer system *(first computer)* and method for generating, storing, and transmitting graphical images. Usually, the images are computer-generated, scanned from a photo, or

scanned using an electronic camera, and *stored* as a graphics file in data storage. Popa et al. uses a module called a Graphics Manipulator for communicating with the graphical image database when modifications are required. These modifications, which are executed from instructions that are provided from user input devices such as a keyboard and mouse, can include *cropping* an image, rotating all or parts of an image, duplicating all or parts of an image, sharpening an image, blurring an image, adjusting the image resolution, color correcting, and adding text/*data* to an image (16 in Fig 1; column 5, lines 4-10). The Graphics Manipulator contains a master data file generator (34 in Fig 1) for generating and storing in the data storage (12 in Fig 1), a master data file that contains the modified graphical data/images (110 in Fig 5, column 5, lines 14-16). The master data file contains a *low-resolution version of the image* (thumbnail/preview image) (50 in Fig 2a), along with a *high-resolution version of the image*. The *high-resolution version of the image* enables the user to see the image on the computer screen for positioning, *grouping*, and/or modifications. The graphical data/image file can be stored in either RAM, hard disk, floppy disk, or compact. Popa et al. computer system *(first computer)* also contains a *Layout Page* Creator Module (18 in Fig 1), which is capable of combining text and graphical images stored in data files in accordance with instructions inputted the user to generate a layout page (column 5, lines 29-32; column 8, lines 49-52). When laying out the various elements of the layout page, graphical elements are displayed by the computer on screen utilizing the thumbnail data (*low-resolution version*/preview image) of the graphical element. Once the user has completed laying out the various elements of the layout page, the Layout

Page Creator generates and stores a layout page data file *(panel)* containing the various formatting instructions (column 8; lines 55-67). The *modified* layout *page* file is sent to a Spooler Module (20 in Fig 1) before it is transmitted to the printer for printing. The Spooler receives just the thumbnail/preview files *(low-resolution version of the image),* which increase the speed of transmission of the file to the printer and frees up the computer for further work.

Popa et al. does not disclose expressly *using one of a plurality of second computer at location remote from said first computer system to access said database.*

However, Nagaska discloses a data transfer system that allows a computer systems to transmit selective data to, and receive selective data from a second computer system (column 1, lines 52). Nagaska further disclose the invention is not restricted to the Internet, but may be connected to a LAN, WAN, or any other network (column 12, lines 1-4). It has been establish that the Internet, LAN, and WAN typically consist of a plurality of computer system. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to connect the current invention to a network consisting of a plurality of computer systems.

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Nagaska and Popa et al. for the benefit of customers at different locations to remotely access images that are stored on the publisher's computer for positioning and modifying the images of their publication.

With respect to dependent claim 2, Popa et al. discloses a layout page creator that is capable of combining text and various graphical images (column 5, lines 29-30). It would have been inherent that the same data used to create descriptions for the photographs, could also be used to create captions.

With respect to dependent claims 3-6, as indicated in the above rejection, Popa et al. in view of Nagasaka discloses every limitation of Claim 1.

Popa et al. in view of Nagasaka does not disclose expressly a yearbook, directory, calendar, and special event publication.

However, these differences are only nonfunctional descriptive material. That is, these differences do no affect the functionality of the present invention. The invention, as recited in Claim 1, will operate exactly the same regardless of whether the "publication" is a yearbook, directory, calendar, or special event publication. Thus, the descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack,* 703 F.2nd 1381, 1385, 217 USPQ 401,404 (Fed. Cir 1983); *In re Lowry,* 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to assemble the collections of images in a yearbook, directory, calendar, and special event publication.

With respect to dependent claim 7, Popa et al. discloses one aspect of his invention as a computer readable storage medium where a file of images are stored in

one format, and another file of the images are stored in second format (column 2, lines 45-51; column 3, lines 20-26). The first file includes a pointer that points to the second file, wherein both files behave as a single file. Using the broadest definition of a relational database, in which one database table/file is a component of another database table/file, the examiner determined that the database used by Popa et al. to store image and data files, is a relational database.

With respect to dependent claim 8, Popa et al. **discloses** the said images are photographs (column 6, lines 26).

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popa et al. (U.S. Patent No. 5,991,783; Date of Patent: Nov 23, 1999), in view of Nagaska (Patent. No.: US 6,505,252 B1; Filing Date: Dec. 14, 1998), and further in view of PrePRESS (PrePRESS Technology Reports, "Open Prepress Interface(OPI)")('Prepress').

With respect to dependent claims 9 and 10, Popa et al. discloses, a user is allowed to perform necessary positioning and cropping adjustments to the thumbnail/preview *(low-resolution image)* images displayed on the computer screen (column 8, lines 60-64).

Popa et al. does not disclose expressly *cropping values and scaling values indicated on the low-resolution images are applied to the high-resolution images as part of the step of changing the low-resolution images to high-resolution images.*

However, Prepress discloses, the appearance of the high-resolution image can be changed by manipulating the preview image (*the low-resolution image).* For instance, the preview image can be cropped, scaled, or rotated, and the high-resolution image will reflect those manipulations when imaged (Prepress pg. 11, 3rd paragraph). At the timer of the invention, it would have been obvious to a person of ordinary skill in the art to combine Prepress with Popa et al. for the benefit of having the cropping and scaling modifications that the user apply to the preview image (low-resolution) from the second computer to automatically be applied to the high-resolution image that is stored on the first computer.

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popa et al. (U.S. Patent No. 5,991,783; Date of Patent: Nov 23, 1999) (hereinafter 'Popa'), in view of Nagaska (Patent. No.: US 6,505,252 B1; Filing Date: Dec. 14, 1998), further in view of Norris (Patent No.: 5,864,411; Date of Patent: Jan. 26, 1999).

In regards to independent claim 11, Popa discloses a *method for creating pages for a publication comprising:*

b. collecting data related to the images (col. 2, lines 7-26; col. 5, lines 3-22; Popa discloses a master data file generator for generating and storing in the data storage master files correlated to the modified graphical data.).

c. creating a database linking the images collected to the data related to the images and storing said images and said database on a first computer system (col. 2, lines 7-26; col. 5, lines 3-22; Popa discloses a master data file generator for generating and storing in the data storage master files correlated to the modified graphical data.).

f. using one of said plurality of said second computers to select and communicate to said first computer (i) the desired page layout for at least one page of a publication; and (ii) the desired manner in which the images should be grouped (column 8; lines 55-67; 20 in Fig 1; Popa discloses the Layout Page Creator generates and stores a layout page data file (panel) containing the various formatting instructions.The modified layout page file is sent to a Spooler Module before it is transmitted to the printer for printing. The Spooler receives just the thumbnail/preview files (low-resolution version of the image), which increase the speed of transmission of the file to the printer and frees up the computer for further work.).

g. using said first computer system to create and store as a file a panel for said at least one page of the publication based upon the desired page layout and manner in which the images should be grouped, said file containing low-resolution versions of said images (column 8; lines 55-67; 20 in Fig 1; Popa discloses the Layout Page Creator generates and stores a layout page data file (panel) containing the various formatting instructions.The modified layout page file is sent to a Spooler

Module before it is transmitted to the printer for printing. The Spooler receives just the thumbnail/preview files (low-resolution version of the image), which increase the speed of transmission of the file to the printer and frees up the computer for further work.).

i. using said first computer system to modify the acceptable page by changing the low-resolution images to high-resolution images (110 in Fig 5, column 5, lines 14-16; 50 in Fig 2a; Popa discloses a master data file that contains the modified graphical data/images. The master data file contains a *low-resolution version of the image* (thumbnail/preview image), along with a *high-resolution version of the image*. The *high-resolution version of the image* enables the user to see the image on the computer screen for positioning, *grouping*, and/or modifications.).

Popa does not expressly disclose

a. assembling a collection of images to appear in the publication;

d. notifying at least one of a plurality of second computers that said database has been created.

e. using one of said plurality of second computers at location remote from said first computer system to access said database;

h. using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable;

j. printing said modified page as part of the printing of the publication.

However, Nagaska teaches

a. assembling a collection of images to appear in the publication (col. 3, lines 8-10; Nagaska teaches the data transfer system transmits preview data irrespective of the intentions of the user. Using the broadest interpretation, the Examiner concludes one possible intention of the user could be to *assemble a collection of images to appear in the publication.*).

e. using one of said plurality of second computers at location remote from said first computer system to access said database(col. 1, lines 30-53; col. 3, lines 50-62; Fig. 2; Nagaska teaches a computer system connected with an image data server via the internet.).

j. printing said modified page as part of the printing of the publication (col. 3, lines 8-10; col. 4, lines 11-14; col. 8, lines 1-4; Nagaska teaches a print control unit that outputs the processed image data to the printer. Nagaska further teaches the data transfer system transmits preview data irrespective of the intentions of the user. Using the broadest interpretation, the Examiner concludes one possible intention of the user could be to print *said modified page as part of the printing of the publication grouped.*).

Nagaska does not expressly teach

d. notifying at least one of a plurality of second computers that said database has been created.

h. using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable.

However, Norris teach

d. notifying at least one of a plurality of second computers that said database has been created (col. 1, line 60 - col. 3, line 2; col. 5, line 61 - col. 6, line 20; Norris teaches the use of an album mat *(panel)* which accommodates selected images as arranged on a desired page of the album. Norris further teaches a central processing unit that confirms whether the selected page formats are compatible and whether an album mat is available for the particular selected picture format. At the time of the invention it would have been obvious to a person of ordinary skill in the art to apply Norris teaching of the "concept of process confirmation" in *communicating to said first computer system that said page is acceptable.*).

h. using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable (col. 1, line 60 - col. 3, line 2; col. 5, line 61 - col. 6, line 20; Norris teaches the use of an album mat *(panel)* which accommodates selected images as arranged on a desired page of the album. Norris further teaches a central processing unit that confirms whether the selected page formats are compatible and whether an album mat is available for the particular selected picture format. At the time of the invention it would have been obvious to a person of ordinary skill in the art to

apply Norris teaching of the "concept of process confirmation" in *communicating to said first computer system that said page is acceptable*.).

At the time of the invention it would have obvious to a person of ordinary skill in the art to combine Popa with Nagaska, further in view of Norris for the benefit of allowing a user to select a photographic image and a location on a selected page for the selected photographic images to establish pages for the album (col. 1, lines 13-21).

In regards to independent claim 12, Popa discloses a *method for creating pages for a publication comprising:*

b. collecting data related to subjects portrayed in the images (col. 2, lines 7-26; col. 5, lines 3-22; Popa discloses a master data file generator for generating and storing in the data storage master files correlated to the modified graphical data.).

c. creating a database comprising at least in part the collected data related to said subjects, wherein the database is located on a first computer system and contains links to the assembled collection of images (col. 2, lines 7-26; col. 5, lines 3-22; Popa discloses a master data file generator for generating and storing in the data storage master files correlated to the modified graphical data.).

f. using said first computer system and said database to create and store as a file a panel for said at least one page of the publication based upon the desired page layout and manner in which the images should be grouped, said file containing low-resolution versions of said images (column 8; lines 55-67; 20 in Fig 1; Popa discloses the Layout Page Creator generates and stores a layout page data file (panel)

containing the various formatting instructions.The modified layout page file is sent to a Spooler Module before it is transmitted to the printer for printing. The Spooler receives just the thumbnail/preview files (low-resolution version of the image), which increase the speed of transmission of the file to the printer and frees up the computer for further work.).

h. using said first computer system to modify the acceptable page by changing the low-resolution images to high-resolution images (110 in Fig 5, column 5, lines 14-16; 50 in Fig 2a; Popa discloses a master data file that contains the modified graphical data/images. The master data file contains a *low-resolution version of the image* (thumbnail/preview image), along with a *high-resolution version of the image*. The *high-resolution version of the image* enables the user to see the image on the computer screen for positioning, *grouping*, and/or modifications.).

Popa does not expressly disclose

a. *assembling a collection of images of subjects to appear in the publication;*

d. using one of a plurality of second computers at location remote from said first computer system to access said database and said image files;

e. using one of said plurality of second computers to select and communicate to said first computer system (i) the desired page layout for at least one page of a publication; and (ii) the desired manner in which the images should be grouped;

g. using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable;

i. printing said modified page as part of the printing of the publication.

However, Nagaska teaches

a. assembling a collection of images of subjects to appear in the publication (col. 3, lines 8-10; Nagaska teaches the data transfer system transmits preview data irrespective of the intentions of the user. Using the broadest interpretation, the Examiner concludes one possible intention of the user could be to *assemble a collection of images to appear in the publication.*).

d. using one of a plurality of second computers at location remote from said first computer system to access said database and said image files (col. 1, lines 30-53; col. 3, lines 50-62; Fig. 2; Nagaska teaches a computer system connected with an image data server via the internet.).

e. using one of said plurality of second computers to select and communicate to said first computer system (i) the desired page layout for at least one page of a publication; and (ii) the desired manner in which the images should be grouped (col. 5, lines 1-50; Fig. 2; Nagaska teaches a computer system transmits required image data to the image data server. Using the broadest interpretation, the Examiner concludes that the image data could consist of *(i) the desired page layout for*

at least one page of a publication; and (ii) the desired manner in which the images should be grouped.).

i. printing said modified page as part of the printing of the publication (col. 3, lines 8-10; col. 4, lines 11-14; col. 8, lines 1-4; Nagaska teaches a print control unit that outputs the processed image data to the printer. Nagaska further teaches the data transfer system transmits preview data irrespective of the intentions of the user. Using the broadest interpretation, the Examiner concludes one possible intention of the user could be to print *said modified page as part of the printing of the publication grouped.).*

Nagaska does not expressly teach

g. *using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable;*

However, Norris teach

g. *using said first computer system or one of said plurality of second computers to place said panel into a page and communicating to said first computer system that said page is acceptable* (col. 1, line 60 - col. 3, line 2; col. 5, line 61 - col. 6, line 20; Norris teaches the use of an album mat *(panel)* which accommodates selected images as arranged on a desired page of the album. Norris further teaches a central processing unit that confirms whether the selected page formats are compatible and whether an album mat is available for the particular selected picture format. At the time

of the invention it would have been obvious to a person of ordinary skill in the art to apply Norris teaching of the "concept of process confirmation" in *communicating to said first computer system that said page is acceptable*.).

At the time of the invention it would have obvious to a person of ordinary skill in the art to combine Popa with Nagaska , further in view of Norris for the benefit of allowing a user to select a photographic image and a location on a selected page for the selected photographic images to establish pages for the album (col. 1, lines 13-21).

Response to Arguments

8. Applicant's arguments filed 7/03/2006 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection. New ground(s) of rejection are based on newly found prior art reference of Norris. An explanation of the rejection is given.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW
EXAMINER
ART UNIT 2176

DOUG HUTTON
PRIMARY EXAMINER
TECH CENTER 2100